

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES)	
AND INCENTIVE REGULATION PLAN OF)	CASE NO. 90-256
SOUTH CENTRAL BELL TELEPHONE COMPANY)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed August 2, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain information filed with the Commission at the June and July 1991 monitoring meetings on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

The Commission's Order of April 3, 1991, renewing incentive regulation provided for monthly meetings with the Commission staff to monitor South Central Bell's progress in making its operations more efficient and reducing its costs. As part of this process, South Central Bell is required to furnish the Commission with information concerning its operations, including its marketing and network plans and objectives, which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected concerns marketing and network plans and objectives of South Central Bell. Competitors of South Central Bell could use this information to devise competing marketing strategies. Thus, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the information relating to South Central Bell's marketing and network plans and objectives presented at the June and July 1991 monitoring meetings, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 26th day of August, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director